

IN THE UNITED STATES PATENT AND TRADEMARK

OFFICE

REQUEST FOR FILING

(RULE 53(b)(1))

J1131 U.S. PTO



12/06/01

FOR DESIGN OR UTILITY APPLICATIONS
(DO NOT USE FOR CIPs)

00909

J1131 U.S. PTO

10/004428



12/06/01

Rule 53(b)(1) PATENT APPLICATION:

- ☐ Continuation)
☐ application under 37 CFR 1.53(b)(1)
☒ Divisional)
of pending prior application of

Group Art Unit: 3761

Inventor(s): KWOK et al.

Examiner: A. Lewis

Parent Appln. No.: 09 566,806
Series Code ↑ Serial No. ↑

Atty. Dkt. P 282771
New M#

P020US5
Client Ref

Parent Filed: May 8, 2000

This Appln. Filed: December 6, 2001

Title: NASAL MASK CUSHION ASSEMBLY (as Amended)

Hon. Commissioner of Patents
Washington, DC 20231

Date: December 6, 2001

(Parent Matter No. 270883)

Sr.

To effect the above-requested filing today:

- 1.
- Attached**
- is a copy (
- which must be filed**
-) of the prior application, including:

- ☒ Abstract
☒ Specification and claims (12 pages) (**must be attached**)
☒ Drawings (**must be attached if originally filed**): 2 sheet(s)/set: ☐ 1 set informal;
☒ Formal of size ☒ A4 ☐ 11"

- 1A. Always X one box, only:

- (1) ☒ Copy of Signed declaration or oath as originally filed in prior application attached
(2) ☐ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐ This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this application (**DELETE THE FOLLOWING INVENTOR(S)**):

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____
7. _____	8. _____

- 2.5
- THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):**

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____
7. _____	8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in Australia of _____ (country)

	Application No.	Filing Date		Application No.	Filing Date
(1)	PO1265	07/26/1996	(2)		
(3)			(4)		
(5)			(6)		

a. ☐ _____ (No.) Certified copy/copies attached.

b. ☒ Certified copy/copies previously filed on 10/29/97 in _____
U.S. Application No. 08/791,212, filed on 1/31/1997.
series code ↑ serial no. ↑

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____

4(a). (a) ☐ Domestic priority is claimed from PCT/ _____ / _____, filed _____.

(b) ☐ Benefit is claimed of Provisional Application No. 60/____, filed _____.

5. ☒ Assignee (optional) ResMed Limited

6. ☒ Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Glenn J. Perry, Reg. No. 28,458

(Name and Reg. No.)

whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney Paul T. Bowen, Reg. No. 38009 whose current address is as in item 8 below.

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group of Pillsbury Winthrop LLP, 1600 Tysons Boulevard, McLean, VA 22102**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 08/ 791,212 filed 1/31/1997 now U.S. Pat. 6,112,746

No. 09/ 566,806 filed 5/8/2000

No. / filed _____

No. PCT/ / filed _____

designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

9(a). ☒ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** → ☒ is Not claimed ☐ is claimed (**pre-filing confirmation required**)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

☐ filed in above prior application

☐ attached.

11. Petition to extend the life of the above prior application to at least the date hereof

(one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).

(must be) ☐ was previously filed in that prior application (Check length of prior extension).

(X'd) ☐ is not necessary for copendency (**Double check** before X'ing this box).

26.

**ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	File Code
27.	Total Effective Claims *8	minus ** 20	= 0	x \$18/\$9	= \$ 0	(103/203)
28.	Independent Claims *8	minus *** 3	= 5	x \$84/\$42	= + 420	(102/202)
29.	If amendment enters proper multiple dependent claim(s) into this application for the first time, add (per application) \$280/\$140				+ 0	(104/204)
30.	ADDITIONAL FEE				\$ 420	
31.	plus FEE from item 22 on page 3				+ 780	
32.	TOTAL FEE ATTACHED				\$ 1200	

33. *If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34. **If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space



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Our Deposit Account No. 03-3975

Our Order No. 74066 | 282771
C# M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP
Intellectual Property Group**

By Atty: Paul T. Bowen

Reg. No. 38009

Sig:

Fax: (703) 905-2500

Tel: (703) 905-2020

Atty./Sec PTB/dlh

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments

NOTE No. 2: Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 11 above.

If yes, printout Pat-111 and head it in parent.